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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,217	12/15/2003	Carl Young	3499-256	7693

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EXAMINER

WEBB, JAMISUE A

ART UNIT PAPER NUMBER

3629

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/737,217

Applicant(s)

YOUNG ET AL.

Examiner

Jamisque A. Webb

Art Unit

3629

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

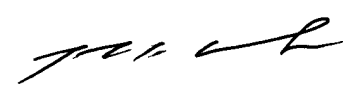
The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-18.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

  
**JOHN G. WEISS**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3800

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

Continuation of 11. does NOT place the application in condition for allowance because: With respect to Applicant's argument in regards to the 101 rejection: Applicant has stated that it is well known to one of ordinary skill in the art to provide information in a number and variety of different techniques. Where as this may be true, the examiner was not saying the means of communication lacked support, but the method of receiving the information in real time basis did. If the data that is sent in real time is the actual security risk of the first and second element, then it is sent from the government agency or news feed. In order for this information to be sent the government agency must process raw data or information first, to convert it into security risk, therefore it would not be real time data. If the data is sent in real time from the government agency or news feed, then it is raw data that is sent to the system and the system must then convert it to the security risk for the first and second elements. Therefore either scenario are not described in the specification so that one of skill in the art can use or practice the invention. It is unclear who actually determines what the risk is. Furthermore, the system breaks down the security risk into the hierarchical relationship, and the specification lacks a description of how this is done.

With respect to Applicant's argument in terms of the 112 2<sup>nd</sup> paragraph rejections. Applicant has stated that the claim language does not restrict associating the risk to either the first or the second element. The rejection was based on the fact that it states that the security risk was to the "resource" which is the second element. Therefore if the first element was chosen, then this limitation does not hold true, since the first element is not a resource.

With respect to Applicant's arguments that the need to recite a destination for the transmission is not seen as necessary to the scope, understanding or definiteness of the transmitting step: If it is not claimed where the transmission is going to, then the information transmitted is merely just out there, who is actually receiving information, is the information further processed or used, and if so, if it is not claimed where it is transferred to, then how can one determine how it can be used further on in the process? If it is not used further down in the process then the limitation becomes a non-functional limitation, and is not functionally related to the method.

With respect to Applicant's argument that the first element "comprises a physical facility or the second element subordinate to the first element is at least one of a physical boundary or a political boundary is not indefinite: The claim states that the first or second element comprises a geographical area delineated according to a national boundary and a political boundary. In Claim 1, it states the first element is a facility. How can a facility comprise a national boundary or a political boundary? Claim 1 states that the second element is within the first element. Again how can a resource comprise a national or political boundary. this is saying something on a small (i.e. facility or resource) comprises something big. It is physically not possible to do this. A geographical area delineated by a national boundary can comprise a facility, but not the other way around.

With respect to Applicant's arguments that there is no disclosed hierarchical relationship between the listed building locations and no hierarchical relationship is suggested or inferred by the disclosed listing: Bavaria discloses that the threats can be determined on a building basis, as well as a floor by floor basis. That in itself the "building/floor" relationship is inherently a hierarchical relationship. Furthermore, Bavaria discloses looking at people with different positions within the building. Therefore the relationship of "building/position in building" would inherently be a hierarchical relationship as well. Therefore rejection stands as stated in the final office action.